

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

AUG 16 2004

FILE

OFFICE OF
MANAGING DIRECTOR

Tamara K. Campbell
President
Teleview Systems of MN, Inc.
15560 Edgewood Court
Eden Prairie, MN 55346

Re: FY 2003 Regulatory Fees
Fee Control No. 00000RROG-04-063
Bill No. 0320001071

Dear Ms. Campbell:

This is in response to your letter filed on behalf of Teleview Systems of MN, Inc. (Teleview) for waiver of the late payment penalty associated with its fiscal year (FY) 2003 regulatory fees. Our records reflect that \$5,475.00 for your FY 2003 regulatory fees was received by the Commission on September 29, 2003, but that we have not yet received your late payment penalty of \$1,368.75.

You explain in your request that you mailed your regulatory fee form to the correct lockbox, on September 23, 2003. You state that you sent it by regular mail so that you have no proof of timely mailing. You state further that you designated on your form that the fees should be charged to your credit card, but that your credit card was not charged until September 29, 2003. You then state that in FY 2002 you similarly filed your fees by regular mail on September 24, that they were posted to your account on September 27 and that you were not assessed a penalty. You assert that this seems somewhat arbitrary.

The Commission's rules are clear that licensees are required to pay to the Commission an annual regulatory fee in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. *See* 47 C.F.R. §1.1157; *see also Assessment and Collection of Regulatory Fees for Fiscal Year 2003*, Report and Order, 18 FCC Rcd 15, 985 (2003) (2003 Report and Order); 47 U.S.C. §159. The Commission issued public notices announcing the date on which the FY 2003 regulatory fees were due. *See* Public Notice, *Regulatory Fees Due September 24, 2003*, DA 03-2557 (July 30, 2003); Public Notice, *Federal Communications Commission Extends the Filing Deadline Date of FY 2003 Regulatory Fee*, DA 03-2907 (Sept. 22, 2003) (extending deadline to September 25, 2003).

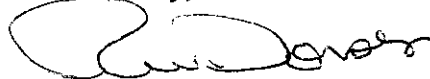
As a Commission licensee, Teleview is charged with the responsibility to familiarize itself with the Commission's rules and requirements. Our rules require that licensees must assure timely receipt, not timely mailing, of the annual regulatory fees. See 47 C.F.R. §1.1164 (A timely fee payment is one received at the Commission's lockbox bank by the due date specified by the Commission or by the managing director.) Therefore, Teleview's lack of familiarity with the Commission's rules governing the payment deadlines does not mitigate or excuse Teleview's failure to pay its FY 2003 regulatory fee in a timely manner. The Commission has repeatedly held that "[l]icensees are expected to know and comply with the Commission's rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances." *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), citing *Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970).

Our review of our records confirms that your FY 2003 fees were received by the Mellon Bank on September 29, 2003, four days after the FY 2003 regulatory fee filing deadline. Our records further indicate that your FY 2002 regulatory fees were timely received on September 25, 2002, the regulatory fee filing deadline for FY 2002. Thus, you did not incur any late payment penalty for FY 2002 and your concern that we have applied our rules arbitrarily is unfounded. Furthermore, the filing period for FY 2003 opened as early as August 11, 2003, so you had more than sufficient time to assure timely receipt of your regulatory fee payment.

The Communications Act of 1934, as amended, requires the Commission to assess a late payment penalty of 25 percent on any regulatory fee not paid in a timely manner. We find that Teleview Systems of MN, Inc. did not meet its obligation to file its regulatory fees to be timely received by the Commission by September 25, 2003, the final date of the regulatory fee filing window for FY 2003. We therefore deny your request for waiver of the penalty for late payment of your FY 2003 regulatory fees.

A late payment penalty in the amount of \$1,368.75 for FY 2003 is now due. The payment must be filed, together with a copy of Bill No. 0320001071, within 30 days from the date of this letter. If you have any questions concerning this matter please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer

00000 RROG-04-063

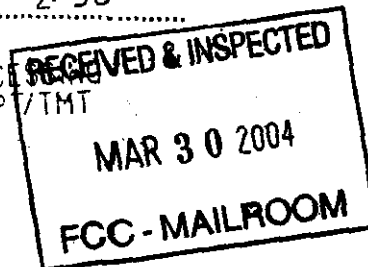
TeleView Systems of MN, Inc.
15560 Edgewood Court
Eden Prairie, MN 55346
952-975-0548 Phone and fax

2004 APR -1 P 2:35

March 24, 2004

Mr. Mark Reger
FCC, Revenue and Receivable Operations Group
455 12th St. SW
Washington, D.C. 20554

ACCOUNT PROCESSING
GROUP-DPT/RPT/TMT



Dear Mr. Reger,

I am writing this letter in reference to Bill Number 0320001071 and a letter from Claudette E. Pride, Chief of your group (copies enclosed). I would like to explain my situation to you, and ask for a waiver of the penalty amount of \$1368.75.

I mailed my regulatory fee forms to the correct lockbox on September 23, 2003. Since I sent them regular mail, I have no proof of timely mailing. I designated on the form that the fees should be charged to my credit card. The problem is that my credit card was not charged until September 29, 2003, making it appear that my fees were paid late.

In 2002, I did the exact same thing: filed my fees by regular mail on September 24, 2002 and they were posted to my account on September 27, 2002. I was not assessed a penalty, even though this was past the due date.

My question is, why was that acceptable in 2002 and not in 2003? This seems somewhat arbitrary to me.

I am authorizing a charge of \$1,368.75 to [REDACTED] exp. 1/31/08, so I do not get additional penalties, but I would certainly appreciate it if you could look at my situation and waive this penalty. I was acting in good faith, and believed I was paying in a timely manner, as per the precedent set the previous year.

Thank you for your assistance and understanding in this matter.

Sincerely,

Tamara K. Campbell
Tamara K. Campbell
President, TeleView Systems

1. 2d letter
2. Ass'n Path -
cc: claudette
3. 3008 sticker

4/4/04

MAY 18 2004



Federal Communications Commission
Washington, D.C. 20554

March 3, 2004

TeleView Systems of Minnesota, Inc.
15560 Edgewood Court
Eden Prairie, MN 55346

Re: Bill No. 0320001071

Dear Licensee:

This letter is notice that you were late paying your 2003 annual regulatory fee(s). Payment of regulatory fees was due to the Federal Communications Commission (FCC) by 11:59 pm, September 25, 2003. Your fee payment of \$5,475.00 was received on September 29, 2003.

In accordance with Section 9 [47 USC 159(c)(1)], a 25 percent late penalty in the amount of \$1,368.75 has been assessed. Unless you can show just cause why the penalty is inapplicable, payment is due within 30 days from the date of this letter.

Payment should be sent to the Federal Communications Commission, Regulatory Fees, P.O. Box 358340, Pittsburgh, PA 15251-5340, along with a copy of the enclosed billing invoice.

If you have any documentation that will establish that the fee was remitted and received at Mellon Bank by September 25, 2003, such as a carrier dated receipt, please include this documentation with your response and your record(s) will be adjusted accordingly.

You are cautioned that failure to respond and/or pay the penalty will subject you to further sanctions as defined in 47 CFR, Section 1.1164 of our Rules. These sanctions include subjecting the delinquent payer's pending applications to dismissal, and may require a delinquent payer to show cause why any existing instruments of authorization should not be revoked. Further sanctions include interest charges and the full cost of collection to the Federal government pursuant to Section 3720A of the Internal Revenue Code, 31 USC 3717, and the provision of the Debt Collection Improvement Act, 31 USC 3717.

If you have any questions, you may contact my office at (202) 418-1995.

Sincerely,

A handwritten signature in cursive script, reading "Claudette E. Pride", is written over a horizontal line.

Claudette E. Pride, Chief
Revenue and Receivables Operations Group

Enclosure

**Federal Communications Commission
BILL FOR COLLECTION**

FOR INQUIRIES CALL
1-202-418-1995
(Revenue & Receivable Ops Group)

Bill Number		Current Bill Date
0320001071		10/07/03
PAYER FRN#	APPLICANT FRN#	
0007712243	0005006002	

TeleView Systems of Minnesota, Inc.
15560 Edgewood Court

Eden Prairie, MN 55346

Payable to:
Federal Communications Commission
Send a copy of this bill to:
Federal Communications Commission
REVENUE & RECEIVABLE OPER.
P.O. BOX 358340
PITTSBURGH, PA 15251-8340

Total Amount Due		Due Date
\$1,368.75	Total Amount Due Must Be Received By	10/31/03

SPECIAL INSTRUCTIONS (OPTIONAL)

PAYER FCC REGISTRATION NUMBER (FRN) REQUIRED

Assess penalty for late regulatory fee payment not received by 09/25/03

FCN: 0309308835856001 CALL SIGN: K15DC

PAYER ADDRESS: Tamara Campbell
15560 Edgewood Court

Eden Prairie, MN 55346

Please write your bill number on your remittance.
Please attach a copy of this bill to your payment to ensure proper credit.

PTC	Quantity	Fee Due
0399	1	\$1,368.75
Total Due		\$1,368.75

Payment Method: Check ☐ (Attach) ☐ (Complete Below)
Credit Card ☐ (Attach) ☐ (Complete Below)

☐ MasterCard ☐ American Express
☐ VISA ☐ Discover

Account No:

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Expiration:

Month		Year	

I hereby authorize the FCC to charge my Credit Card for the service(s) / authorization(s) herein described.
AUTHORIZED SIGNATURE DATE